

REMARKS

Claims 4-29 are currently pending in the application. No amendment to the claims has been made by this response. Rather, Applicant has merely complied with a requirement to file terminal disclaimers in order to overcome rejections under the Judicially created doctrine of Double Patenting. Applicants request reconsideration of the application in light of the following remarks.

Request to Admit the Amendment

Applicant believes that the foregoing amendment and explanation forms a basis for entry of the present amendment since they do not raise new issues but comply with the Examiner's requirements and requests. Pursuant to 37 C.F.R. § 1.116(a), Applicant requests the Examiner admit the amendment. However, even if the Examiner decides not to admit the amendment under 37 C.F.R. § 1.116(a), Applicant respectfully requests the Examiner admit the amendment pursuant to 37 C.F.R. § 1.116(b).

Change of Address

The office action was sent to Jared S. Goff. Applicant respectfully requests that all future correspondence for this patent application be sent to:

David E. Allred
Schmeiser, Olsen & Watts
18 East University Drive, #101
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Telephone Interview

Applicant's agent wishes to thank the Examiner for her courtesy and time during a telephone interview that was held on June 1, 2006. The Examiner's assurance that the additional rejections were under the judicially created doctrine of double patenting was helpful and well received. It is hoped that the comments below reflect the spirit of the interview.

In the Specification

The Examiner noted that she had not checked the specification to the extent necessary to determine the presence of all possible minor errors, and requested Applicant's cooperation in correcting any errors. In response Applicant has checked the specification and discovered a minor error which is being corrected by amendment herein.

The status of related applications remains unchanged.

Indication of Condition for Allowance

Applicant wishes to thank the Examiner for the indication of condition for allowance for the above referenced application but for one remaining formal matter, that of filing terminal disclaimers for copending applications by the same inventor. Applicant believes that all formal matters have been resolved by this response, and that the application is in condition for allowance. Applicant respectfully requests allowance of this application.

Double Patenting Rejection

As acknowledged by the Examiner, the provisional rejection of claims 4-29 based on the obviousness-type double patenting rejection in view of U.S. Patent 6,221,145 has been overcome.

Claims 4-29 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-31 and 42-54 of U.S. Patent No. 11/246,838.

Claims 4-29 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 63-94 of U.S. Patent No. 10/286,164.

Claims 4-29 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7-21 of U.S. Patent No. 11/353,729.

In order to avoid further expenses and time delay, Applicant elects to expedite the prosecution of the present application by filing three terminal disclaimers to obviate the double patenting rejections of each of the provisional rejections noted above in compliance with 37 CFR §1.321 (b) and (c). Applicant's filing of the terminal disclaimer should not be construed as acquiescence of the Examiner's double patenting or obviousness-type double patenting rejections. Attached are the terminal disclaimers and accompanying fees.

Confirmation of Allowed Claims

Applicants wish to thank the Examiner for her confirmation of the patentable subject matter of claims 4-29.

Regarding Doctrine of Equivalents

Applicants hereby declare that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

CONCLUSION


Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The amendments herein added no new claims, resulting in no fees due. However, three terminal disclaimers requiring a fee of \$65.00 each have been submitted herewith. A check in the amount of \$195.00 has been included herewith for this purpose.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

Date: June 23, 2006

By 
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Reg. No. 47,254

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